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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

V- B-,)
Petitioner,)
v.) Civil Action No:
JOHN MATTOS, Warden, Nevada Southern)
Detention Center;)
ROBERT CULLEY, Field Office Director of the)
Las Vegas Field Office, Immigration and Customs)
Enforcement and Removal Operations;)
JASON KNIGHT, Director of the U.S.)
Immigration and Customs Enforcement Field)
Office, Salt Lake City;)
TODD LYONS, Acting Director U.S.)
Immigrations and Customs Enforcement; and)
KRISTI NOEM, Secretary, U.S. Department of)
Homeland Security, *in her official*)
capacity;)
PAMELA BONDI, Attorney)
General of the United States,)
Respondents.)

1

2 **INTRODUCTION**

3

4 NOW COMES, V- B- (hereinafter “Petitioner V- B-” or “Petitioner”), by and through the
5 undersigned attorney in the above cause and states as follows:

6

7 1. Petitioner, V- B-, is a citizen of Ukraine who fled Ukraine in mid-2024 from the
8 raging war of aggression by Russia. A relative of his fiancée, a U.S. citizen, had requested the
9 USCIS to approve the “sponsorship” or “support” application on behalf of the Petitioner and his
10 fiancée via USCIS Form I-134a, Application for Humanitarian Parole under the Uniting for
11 Ukraine¹ program (“U4U”). This program was launched by the Department of Homeland
12 Security in April of 2022, six weeks after Russia violently invaded Ukraine in its war of
13 aggression. The U4U was administered jointly by USCIS and CBP to provide temporary
14 admission on parole to the United States of Ukrainians seeking refuge for two years. On August
15 1, 2024, Petitioner boarded the plane in Europe pursuant to Travel Authorization issued by
16 USCIS and CBP and arrived at JFK Airport, where he applied for admission as parolee, was
17 inspected by U.S. Customs and Border Protection (CBP), and was granted parole, UHP (Uniting
18 For Ukraine Humanitarian Parole) status for 2 years. Petitioner is a resident of Illinois.

19 2. On August 13, 2024, Petitioner was arrested by Las Vegas police on a charge in
20 connection with alleged driving conduct resulting in damage to property under Sec. 484B.653.3a
21 and 206.310 of Nevada Criminal Code. The charge is currently pending before the Justice Court
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23

24 ¹ “On April 21, 2022, a streamlined process to provide Ukrainian citizens who have fled Russia’s unprovoked war
25 of aggression opportunities to come to the United States was created. This represents a key step toward fulfilling
26 the President’s commitment to welcome Ukrainians fleeing Russia’s invasion of Ukraine. Uniting for Ukraine builds
27 on the robust humanitarian assistance the U.S. government is providing as we complement the generosity of
28 countries throughout Europe that are hosting millions of Ukrainian citizens and others who have been displaced.”
<https://www.dhs.gov/archive/uniting-ukraine>, last visited on October 7, 2025.

1 of Las Vegas, Nevada. This offense which does not make him inadmissible under 8 U.S.C.
2 1182(a) to or deportable under 8 U.S.C. 1227 from the United States. Despite his release from
3 state custody on bond on October 14, 2025, ICE took custody over Petitioner, holding him in
4 Nevada Southern Detention Center and denied his request for release on bond. On October 2,
5 2025, Immigration Judge Roberts in the Las Vegas Immigration Court denied the review of Bond
6 Redetermination (“Bond Motion”), ruling that “The Court lacks jurisdiction pursuant to Matter
7 of Yajure Hurtado”, 29 I&N Dec. 216 (BIA 2025).

8
9 3. Petitioner remains in custody of ICE despite not being subject to mandatory
10 detention under 8 U.S.C. 1226(c) of the Immigration and Naturalization Act nor subject to
11 expedited removal under 8 U.S.C. 1225. He has not committed any crimes or offenses for which
12 he would be inadmissible or deportable. His only criminal arrest took place on October 13, 2025
13 in Las Vegas, Nevada.
14

15 JURISDICTION OF THIS COURT

16 4. This action arises under the Constitution of the United States and the Immigration
17 and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

18 5. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
19 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States
20 Constitution (Suspension Clause).

21 6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
22 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C.
23 §1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

25 VENUE

26 7. Venue is proper because Petitioner is in Respondents’ custody in Nevada
27

1 Southern Detention Center in Pahrump, Nevada. Venue is further proper because a substantial
2 part of the events or omissions giving rise to Petitioner's claims occurred in this District, where
3 Petitioner is now in Respondents' custody. 28 U.S.C. § 1391(e).

4 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

5 8. The Court must grant the petition for writ of habeas corpus or issue an order to
6 show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief.
7 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within
8 three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

9 9. Courts have long recognized the significance of the habeas statute in protecting
10 individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most
11 important writ known to the constitutional law of England, affording as it does a swift and
12 imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391,
13 400 (1963).

14 10. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is arrested
15 and detained by Respondents.

16 **PARTIES**

17 11. Petitioner is a 26-year-old citizen of Ukraine and resident of Illinois. The
18 Petitioner is present within the state of Nevada as of the time of the filing of this petition.²

22 _____
23 2 Petitioner seeks leave to proceed anonymously because public identification creates a risk of
24 retaliatory physical harm risk due to Petitioner's status as an asylum seeker in the United States,
25 and the nature of Petitioner's claim is sensitive and highly personal. *See Does I thru XXIII v.*
26 *Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). The Ninth Circuit has identified
27 several different situations in which parties have been permitted to proceed under a fictitious
name, including "(1) when identification creates a risk of retaliatory physical or mental harm, . . . ; (2) when anonymity is necessary 'to preserve privacy in a matter of sensitive and highly

1 12. Respondent John Mattos is the Warden of the Nevada Southern Detention Center
2 in Pahrump, Nevada. Respondent Culley is a legal custodian of Petitioner.

3 13. Respondent Robert Culley is the Field Office Director for the Las Vegas Field
4 Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Las
5 Vegas Field Office is responsible for local custody decisions relating to non-citizens charged
6 with being removable from the United States, including the arrest, detention, and custody status
7 of noncitizens. The Las Vegas Field Office’s area of responsibility includes Nevada. Respondent
8 Culley is a legal custodian of Petitioner.

9
10 14. Respondent Jason Knight is the Regional Director of the U.S. Immigration and
11 Customs Enforcement Field Office, Salt Lake City. Respondent Culley is a legal custodian of
12 Petitioner.

13
14 15. Respondent Todd Lyons is the National Deputy Director of U.S. Immigration and
15 Customs Enforcement, and he has authority over the actions of Respondents Mattos, Culley, and
16 Knight and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

17 16. Respondent Kristi Noem is the Secretary of the Department of Homeland
18 Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as
19 well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged
20 with faithfully administering the immigration laws of the United States.

21 17. Respondent Pamela Bondi is the Attorney General of the United States, and as

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23
24 personal nature,’ . . . ; and (3) when the anonymous party is ‘compelled to admit [his or her]
25 intention to engage in illegal conduct, thereby risking criminal prosecution.’” *Id.* (collecting
26 cases; internal citations omitted). The Petitioner would provide Petitioner’s identity to the
27 Respondents and the
28 Court under seal.

such, has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

18. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

STATEMENT OF FACTS

21. Petitioner, V- B-, a citizen of Ukraine and previously a resident of Ukraine, entered the United States lawfully pursuant to Travel Authorization issued by USCIS and CBP, at a Port of Entry when he arrived at John F. Kennedy airport in New York City, New York, on August 2, 2024.

22. Petitioner was inspected the same day and was granted humanitarian parole, classification UHP (United for Ukraine humanitarian parole) under INA 212(d)(5) by CBP until August 1, 2026.

23. Petitioner has never violated any conditions of his Humanitarian Parole admission. At all times he was and is lawfully present in the United States.

24. Petitioner's UHP status has not been terminated, and it remains valid until August 1, 2026.

25. Petitioner was detained by ICE on August 13, 2025 and placed in custody of ICE on August 14, 2025. At time of his detention, Petitioner did not possess his Ukrainian passport on him physically, nor did he have a paper copy of his Form I-94 Arrival record. He presented

1 his valid Commercial Driver's License.

2 26. The ICE appears not to have reviewed Petitioner's electronic Form I-94 Arrival
3 Record in its records. Had ICE reviewed its database, ICE would have determined that Petitioner
4 was lawfully present in U.S. as he lawfully entered the U.S. in UHP parole status. According to
5 DHS Form I-213 record, the ERO Salt Lake City – Las Vegas sub-office determined on August
6 14, 2025, that Petitioner "was a national and citizen of Ukraine by virtue of birth, and he was not
7 in the United States Legally".

8 27. On August 14, 2025, 2025, ICE ERO lodged a Detainer, Form I-247A, after it
9 learned about an arrest of Petitioner (and his release on cash bond) by Las Vegas police in Las
10 Vegas, Nevada, on one count of damage to property.

11 28. Petitioner's Form I-94 remains valid and evidences that Petitioner is in lawful
12 status and lawfully present in the U.S.

13 29. On August 14, 2025, DHS ICE issued and served "Notice of Custody
14 Determination", DHS Form I-286, on Petitioner, noting that Petitioner was detained pursuant to
15 the authority contained in Section 236 of the Immigration and Nationality Act ("INA"). The
16 Department afforded Petitioner an option to request an immigration judge review of this custody
17 determination and Petitioner did request such a review via Form I-286.

18 30. Pursuant to Form I-862, Notice to Appear filed with the Las Vegas Immigration
19 Court, Petitioner was charged removability under 8 U.S.C. 1182(a)(7)(A)(i)(I). However,
20 Petitioner's humanitarian parole was not terminated, he presented a valid passport when applied
21 for admission at JFK in New York and a travel authorization pursuant to the approved USCIS
22 Form I-134(A); and therefore his arrest and pending charge do not evidence that he is properly
23 charged under 212(a)(7)(A)(i)(I).

1 31. On October 2, 2025, Immigration Judge Roberts in Las Vegas Immigration Court
2 denied Petitioner's request to review his motion for custody redetermination ("Bond Motion"),
3 ruling that "The Court lacks jurisdiction pursuant to Matter of Yajure Hurtado", 29 I&N Dec.
4 216 (BIA 2025).

5 32. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant
6 petition for a writ of habeas corpus. Petitioner is present in the United States after being lawfully
7 inspected at his request for admission on humanitarian parole for 2 years, paroled in in UHP
8 status, and must be freed from custody of ICE ERO for the remainder of his UHP humanitarian
9 parole.

10 33. Petitioner asks this Court to find that Respondents' detention of Petitioner is in
11 violation of law and arbitrary and capricious. Petitioner requests that this Court immediately
12 issue an order preventing Petitioner's transfer out of this district.

LEGAL FRAMEWORK

13 34. Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
14 "Freedom from imprisonment—from government custody, detention, or other forms of physical
15 restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment]
16 protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

17 35. Petitioner's detention violates the Fifth Amendment's protection for liberty, for
18 at least three related reasons. First, immigration detention must always "bear[] a reasonable
19 relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510,
20 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority
21 to deport Petitioner, detention is not reasonably related to its purpose.

22 36. Further, because Petitioner is not "removable" insofar as he was lawfully paroled

1 as Uniting For Ukraine Humanitarian parolee until August 1, 2026, the Due Process Clause
2 requires that any deprivation of Petitioner's liberty be narrowly tailored to serve a compelling
3 government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process
4 "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what
5 process is provided, unless the infringement is narrowly tailored to serve a compelling state
6 interest"); *Demore*, 538 U.S. at 528 (applying less rigorous standard for "deportable aliens").
7 Petitioner's ongoing detention cannot satisfy that rigorous standard.

9 37. Lastly, at a bare minimum, "the Due Process Clause includes protection against
10 *unlawful* or arbitrary personal restraint or detention." *Zadvydas v. Davis*, 533 U.S. 678, 718
11 (2001) (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an
12 individual's detention, their detention also violates the Due Process Clause.

13 **CLAIMS FOR RELIEF**

14 **COUNT ONE**

16 **Violation of the Due Process Clause of the Fifth Amendment to**
17 **the U.S. Constitution**

18 38. Petitioners reallege and incorporate by reference each and every allegation
19 contained above.

20 39. The Due Process Clause of the Fifth Amendment forbids the government from
21 depriving any person of liberty without due process of law. U.S. Const. amend. V. See
22 generally *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001);
23 *Demore v. Kim*, 538 U.S. 510 (2003).

24 40. Petitioners' detention violates the Due Process Clause because it is not rationally
25 related to any immigration purpose; because it is not the least restrictive mechanism for

accomplishing any legitimate purpose the government could have in detaining Petitioner; and because it lacks any statutory authorization.

41. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner is present in the United States after being lawfully inspected at his request for admission on humanitarian parole for 2 years, paroled in in UHP status, and must be freed from custody of ICE ERO for the remainder of his UHP humanitarian parole.

COUNT TWO

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A), the Immigration and Nationality Act – 8 U.S.C. § 1226, and Federal Regulations Not in Accordance with Law and in Excess of Statutory Authority Unlawful Detention

42. Petitioner restates and realleges all paragraphs above as if fully set forth here.

43. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

44. Federal regulations specify that where parole has been granted under 8 U.S.C. § 1182(d)(5), it may terminate on its expiration date, when a noncitizen departs the U.S., or “upon the accomplishment of the purpose for which parole was authorized.” 8 C.F.R. §§ 212.5(e)(1), (2)(i). If none of these conditions are met, parole may only be terminated following an

1 individualized determination that “neither humanitarian reasons nor public benefit warrants the
2 continued presence of the [noncitizen] in the United States.” 8 C.F.R. § 212.5(e)(2)(i).

3 45. To survive an APA challenge, the agency must articulate “a satisfactory
4 explanation” for its action, “including a rational connection between the facts found and the
5 choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

6 46. ICE’ determination that Petitioner was unlawfully present in the United States
7 and the corresponding statement is ICE Custody Determination and the Detainer were incorrect
8 – Petitioner is and always has been in the United States legally pursuant to U4U parole.

9 47. The determination made in the Detainer, and the resulting Warrant for Arrest,
10 DHS Form I-200, were and are wrong and without factual nor legal basis. Petitioner’s Form I-
11 94 remains valid and evidences that Petitioner is in lawful status and lawfully present in the U.S.

12 48. A simple check by DHS would have revealed that Petitioner was issued an
13 Employment Authorization Document, valid until August 1, 2026, had a valid social security
14 number issued in August 2024, and had a valid UHP parole until August 1, 2026. Further, the
15 alleged crime in state of Nevada for which Petitioner was arrested and charged with “destroying
16 or injuring personal property of another” does not make Petitioner deportable nor does it make
17 him inadmissible. Nor does that charge make him subject to mandatory detention.

18 49. By categorically revoking Petitioner’s parole and transferring Petitioner in
19 custody of ICE in this District without consideration of Petitioner’s individualized facts and
20 circumstances, Respondents have violated the INA, implementing regulations, and the APA.

21 50. On information and belief, Respondents have made no determination that
22 Petitioner is a danger to the community.

23 51. By detaining and transferring the Petitioner categorically, Respondents have

1 further abused their discretion because, since the agency made its initial determination to parole
2 Petitioner into the United States, on information and belief, there have been no changes to
3 Petitioner's facts or circumstances that support detention.

4 52. Respondents have already considered Petitioner's facts and circumstances and
5 determined that Petitioner was not a flight risk or danger to the community when Respondents
6 issued a Travel Authorization pursuant to which Petitioner arrived in the United States, and when
7 he was inspected and paroled as UHP parolee to the United States at JFK Airport on August 2,
8 2024.

9 53. On information and belief, there have been no changes to the facts that justify this
10 revocation of his parole.

11 54. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant
12 petition for a writ of habeas corpus. Petitioner is present in the United States after being lawfully
13 inspected at his request for admission on humanitarian parole for 2 years, paroled in in UHP
14 status, and must be freed from custody of ICE ERO for the remainder of his UHP humanitarian
15 parole.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays that this Court grant the following relief:

18 (1) Assume jurisdiction over this matter;
19 (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should
20 not be granted within three days;
21 (3) Declare that Petitioner's re-detention without an individualized determination violates the
22 Due Process Clause of the Fifth Amendment;
23 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;

1 (5) Award reasonable costs and attorney's fees as provided in the Equal Access to Justice Act, 5

2 U.S.C. § 504 and 28 U.S.C. § 2412; and

3 (4) Grant such further relief as the Court deems just and proper.

4

5 Dated: October 22, 2025

Respectfully submitted,
V- B-,

6

7 /s/V-B-

8 By his local Counsel:

9 */s/Hardeep Sull*
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13 By his attorney:

14 */s/Julia Bikbova*
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1 **VERIFICATION OF COMPLAINT**

2 I, Julia Bikbova, Esq., state under penalty of perjury that I am the attorney for the Plaintiff, V-
3 B-, Plaintiff in the foregoing complaint, and declare the facts alleged here to be true, except those
4 made on information and belief, which I believe to be true, and further state that the sources of
5 my information and belief are documents and information provided by this individual.
6

7 Dated : October 22, 2025

/s/Julia Bikbova

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